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Viewing cable 09BOGOTA1624, DAS SCANDAL REIGNITES URIBE-COURT FEUD

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Reference ID	Created	Released	Classification	Origin
09BOGOTA1624	2009-05-22 20:04	2011-08-30 01:44	CONFIDENTIAL	Embassy Bogota

Appears in these articles:

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VZCZCXYZ0000
PP RUEHWEB

DE RUEHBO #1624/01 1422004
ZNY CCCCC ZZH
P 222004Z MAY 09
FM AMEMBASSY BOGOTA
TO RUEHC/SECSTATE WASHDC PRIORITY 8829
INFO RUEHBR/AMEMBASSY BRASILIA PRIORITY 8919
RUEHCV/AMEMBASSY CARACAS PRIORITY 2286
RUEHLP/AMEMBASSY LA PAZ MAY 0138
RUEHPE/AMEMBASSY LIMA PRIORITY 7593
RUEHQT/AMEMBASSY QUITO PRIORITY 8294
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RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RUCNFB/FBI WASHINGTON DC PRIORITY
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C O N F I D E N T I A L BOGOTA 001624

SIPDIS

E.O. 12958: DECL: 05/22/2019
TAGS: [PGOV](#) [PREL](#) [PTER](#) [PHUM](#) [KJUS](#) [CO](#)
SUBJECT: DAS SCANDAL REIGNITES URIBE-COURT FEUD

Classified By: Political Counselor John S. Creamer
Reasons 1.4 (b and d)

SUMMARY

1. (C) The longstanding feud between Colombia's judicial and executive branches reignited on May 14 after media reports claimed a former Department of Administrative Security (DAS) official had testified about high-level GOC involvement in the illegal surveillance and monitoring of Supreme Court Justices. Relations between the branches had warmed slightly after a May 11 meeting in which President Uribe promised to provide information to the Courts on alleged DAS surveillance of magistrates. Still, the positive feelings dissipated quickly after the GOC failed to deliver on Uribe's commitment, and Uribe allies suggested some magistrates are tied to criminal groups. The Courts continue to press Uribe to publicly address the surveillance issue, and are also seeking UN involvement. Most observers see no end to the conflict. End Summary.

BRIEF INTERBRANCH THAW
FREEZES OVER AGAIN

2. (C) Relations between the judicial and executive branches warmed slightly after Uribe's May 11 meeting with the presidents and vice-presidents of Colombia's four highest judicial bodies (ref A). Uribe reportedly pledged to quickly provide the Courts with the information DAS had developed on magistrates and their family members, while DAS director Felipe Munoz claimed that Prosecutor General Mario Iguaran had said there was no evidence linking presidential advisors to the surveillance. Iguaran later clarified that the Fiscalía investigation is ongoing, and that he remained quiet at the meeting.

3. (U) This detente ended after various media outlets reported on May 13 that former DAS deputy counterintelligence chief Jorge Lagos--who resigned February 22 due to the scandal--had testified that former senior presidential advisor Jose Obdulio Gaviria and Secretary of the Presidency Bernardo Moreno were involved in the DAS's illegal surveillance and harassment of Supreme Court Magistrates (septel). In addition, Constitutional Court magistrate and former Uribe legal advisor Mauricio Gonzalez told us the GOC had dissipated any goodwill it had earned from the meeting by failing to follow through on Uribe's promise to provide clear information on the DAS' actions to the magistrates.

4. (U) The Courts reacted with strong words--on May 14 the Supreme Court issued a public letter once again demanding a clear statement from the President on what had happened, swift identification of those responsible for the surveillance, and a "fixed date" for a visit by the UN's Special Rapporteur for Judicial Independence. Rafael Lafont, president of the Council of State (one of the other four high courts), publicly said members of the judicial branch were "scared" and "worried" by the revelations that the DAS had "flagrantly broken the law." The Council publicized a May 14 letter to Uribe that demanded clarity from the administration, arguing that the GOC explanation to date has been insufficient and its pledge to curtail future surveillance "ineffective."

5. (U) The feud deepened on May 18 after the GOC sent a report on the status of the investigation to the Interinstitutional Commission of the Judicial Branch (ICJB)--composed of the leaders of the four top courts. ICJB president Maria Mercedes Lopez complained publicly that the report was merely a collection of projects, plans, and resolutions to reform the DAS and did not provide any substantive information on the investigation. After a full ICJB meeting, Lopez sent Uribe a letter on May 20 signed by

the presidents and vice presidents of all four high courts voicing their dissatisfaction with the information, most of which Lopez said was available on the internet. Gonzalez told us the GOC's decision to play "petty political games" with the Courts exacerbated Court-executive tensions.

NOBODY LOOKING FOR COMPROMISE

16. (C) The interbranch feud shows no sign of abating. Gonzalez told us on May 19 he sees "no end" to the battle, adding that the Supreme Court in particular wants to see Uribe's reelection bid fail and several GOC officials jailed for the DAS's illegal activities. Gonzalez holds out little hope that more talks could lower tensions, noting that the dispute is driven by the Fiscalía's investigation--which is not subject to negotiation. Former DAS director Andres Penate told us separately the same day that he feared that the Supreme Court was looking for scapegoats, and that the magistrates would not be happy until senior GOC officials--ideally Jose Obdulio Gaviria--are in prison.

17. (C) The executive branch itself also turned up the heat, with "U" Party president Luis Carlos Restrepo renewing his formal request that Congress investigate alleged links between narcotraffickers and some Supreme Court magistrates,. He noted that extradited paramilitary chief Salvatore Mancuso had claimed to have influence in the Court. Such suspected links were the alleged basis for the investigation of the magistrates in the first place, although the investigation turned up no criminal wrongdoing. For his part, Gaviria denied involvement, telling reporters the opposition had infiltrated the DAS to embarrass the GOC (see septel).

UN VISIT UNCLEAR

18. (C) The Fiscalía and the Procuraduria (Inspector General) publicly rejected the Supreme Court's request that the UN Special Rapporteur for Judicial Independence visit the country, arguing that international involvement was unnecessary. Still, Vice Minister of Foreign Affairs Adriana Mejia told us the GOC had invited Special Rapporteur for Judicial Independence Leandro Despouy (and three other rapporteurs on extrajudicial killings, indigenous issues, and human rights defenders) in January to visit Colombia as part of its Universal Periodic Review at the UN Human Rights Council. She reached out to the Procuraduria to explain that a visit would not signify that Colombia has a judicial independence problem.

19. (SBU) Mejia added that no date has been set yet for the Judicial Independence Rapporteur's visit since Despouy will step down in June and a replacement has not been identified. Despouy angered Uribe during a September 2008 visit to Colombia by voicing public concern over judicial-executive branch conflict in Colombia. Still, he later met with Uribe and other top GOC officials and said Colombia's institutions were healthy enough to resolve the issue without UN intervention (ref B).

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